

Notice of Allowability

Application No.

10/074,536

Examiner

Jenna-Leigh Befumo

Applicant(s)

HAYES ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed January 8, 2004.
2. ☒ The allowed claim(s) is/are 1,3-6,8-12,14-17,19-23,25-28,30-34,36-39 and 41-43.
3. ☒ The drawings filed on 12 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charlotte Wilson on March 15, 2004.

The application has been amended as follows:

In Claim 1, line 8: before "partially" delete -- at least --.

In Claim 12, line 9: before "partially" delete -- at least --.

In Claim 23, line 9: before "partially" delete -- at least --.

In Claim 34, line 8: before "partially" delete -- at least --.

2. The following is an examiner's statement of reasons for allowance:

3. The Amendment submitted on January 8, 2004, has been entered. Claims 2, 7, 13, 18, 24, 29, 35, and 40 have been cancelled. Claims 1, 3, 12, 14, 23, 25, 34, and 36 have been amended. Therefore, the pending claims are 1, 3 - 6, 8 - 12, 14 - 17, 19 - 23, 25 - 28, 30 - 34, 36 - 39, and 41 - 43.

4. The present amendment is sufficient to overcome the 35 USC 112 1st paragraph rejection set forth in the previous Office Action since the Applicant has amended the claims to state that the first elementary filaments are chemically degraded.

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5. The 35 USC 102 rejection based on Groten et al. (5,899,785) is withdrawn since the nylon component is mechanically degraded and not chemically degraded, as claimed, which would produce a different fiber structure in the final product.
6. The 35 USC 102 rejection based on Hayashi et al. (4,367,070) and Okamoto et al. (4,008,344) are withdrawn since the claim as amended requires a nonwoven fabric having first set of filaments made from nylon which are partially chemically degraded and a second set of filaments. While both references teach chemically degrading a second component to form polyester microfibers, neither reference teaches degrading a nylon material and neither reference teaches that the second component is only partially degraded.
7. The prior art fails to teach or fairly suggest making a nonwoven fabric comprising two different microdenier filaments, a first set of filaments made from nylon 6, nylon 6,6, nylon 11, and nylon 6,10 which is partially chemically degraded, and a second set of filaments which is dyed. While the prior art teaches forming microfibers by degrading a second component in a multicomponent fiber, the prior art fails to teach or suggest that this component should only be partially degraded. Further, while the prior art such as Burnes, Jr. et al. (4,353,706) teaches it is known to partially chemically degrade nylon fibers in the pile of a carpet to form a design or aesthetic effect, the prior art fails to teach or suggest degrading the nylon fibers when they are in a nonwoven fabric and blended with a second type of fiber. Therefore, claims 1, 3 – 6, 8 – 12, 14 – 17, 19 – 23, 25 – 28, 30 – 34, 36 – 39, and 41 – 43 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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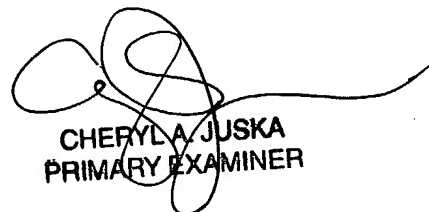
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jenna-Leigh Befumo
March 15, 2004



CHERYL A. JUSKA
PRIMARY EXAMINER